The Florida
BAR JOURNAL

2002 Index

Index to Vol. 76 of The Florida Bar *Journal* (2002)

Key: January, Ja; February, F; March, Mr; April, Ap; May, My; June, Je; July/August, Jy/Ag; October, O; November, N; December, D

A *Journal* search engine is available on the Bar's Web site: **www.FLABAR.org.**

Author Index

A

Allen, A. Graham
Logic and the Law: When Their Paths Diverge ..... Jy/Ag 20
Aronovitz, Tod
Dignity in Law ..... Jy/Ag 6
Perception vs. Reality ..... S 6
A Tribute to Judges ..... O 2
Message to Young Lawyers ..... N 6
Let's Celebrate ..... D 8

B

Barthlet, Patrick C.
With or Without Notice: Obtaining a Replevin Writ Prior to Final Judgment ..... D 44
Barton, Bernard A.
Kuro and *Muben-Lamar*: In the Eye of the Beholder? ..... My 48
Bauer, Michael J.
Legal Developments Impacting Repeat Battery Offenders: *Warren* and the 2001 Amendment to Felony Battery ..... Ap 37
Bertron, Andy
Conflicts Between the Sunshine Law and Trade Secret Protection in Public Procurement ..... F 36
Bucher, Elaine M.
The Economic Growth and Tax Relief Reconciliation Act of 2001: Estate, Gift and Generation-skipping Transfer Tax Law Changes ..... Ja 41
Burke, David P.
Kuro and *Muben-Lamar*: In the Eye of the Beholder? ..... My 48
Butler, Allison E.
The International Contract: Knowing When, Why, and How to "Opt Out" of the United Nations Convention on Contracts for the International Sale of Goods ..... My 24

C

Cantero, Raoul G., III
Certifying Questions to the Florida Supreme Court: What's So Important? ..... My 40
Carter, Sherrie Bourg
Assessing the Veracity of Domestic Violence Allegations in Parenting Disputes ..... N 70
Cavendish, Michael
Case of the Year: *Strasser v. Yalamanchi* ..... Ja 10
Chamberlain, Steven
Florida Homestead Transfers: The Advantages of Short-term Qualified Personal Residence Trusts ..... N 51
Cohen, Stephen M.
Electronic Data and Discovery: Nightmare or Opportunity? ..... F 30
Coller, Craig
Should the Narrowing Scope of Second-tier Certiorari Mandate Findings of Fact in Local Government Quasi-judicial Decisions? ..... Jy/Ag 67
Cone, Charles Tyler
Five Easy Pieces: Advice for Getting Your Case to the Appellate Court (and Back Again) Intact ..... Je 88
Curtis, Debra Moss
Supervising Your Lawyers and Staff: Avoiding Serious Ramifications D 74

D

Darmody, Stephen J.
Environmental Regulation in Florida's Coastal Zone: You Ain't Seen Nothin' Yet ..... Je 83
Davis, Gardner
Directors of the Financially Troubled Company: Guidance for a Thankless Job ..... Jy/Ag 47
Davis, John C.
Offers of Judgment and Tenders of Relief Before Class Certification ..... N 10
Dempsey, Angela
Overfiling: Can the EPA Pursue a Case Where the State Has Taken Enforcement Action? What Courts Have Done Since *Harmon* .. Mr 36
Dennis, Don A.
The Emergence of the Helmet Defense in Florida ..... My 18
Dodd, Cheryle M.
A Clearinghouse for Worthwhile Professional Discussion ..... D 10
Downie, Robert C., II
Agency Substantive Jurisdiction—The More Things Change . . . . Je 79

E

Eaton, Judge O.H., Jr.
Discovery of Public Records in Capital Cases ..... Ap 24
Elligett, Raymond T. (Tom), Jr.
Time Waits for No One: The Death of a Litigant ..... N 55
Ellis, Tracy
The Importance of Parent-Child Relationships: What Attorneys Need to Know About the Impact of Separation ..... O 67
Epstein, Rebecca
The *Sandoval* Decision and Its Implications for Future Civil Rights Enforcement ..... Ja 24

F

Farrior, Amy S.
Time Waits for No One: The Death of a Litigant ..... N 55
Feagin, Laura J.
2002 Reforms to Growth Management ..... Jy/Ag 5
Federbush, David J.
FDUPTA for Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution ..... D 52
Ferguson, Cleveland, III
Scattered, Smothered, and Covered Under Water Regulation: Have the Courts (Finally) Unscrambled Franchise Rights of IOUs and Local Governments? N22
Ferraro, James L.
The *Sandoval* Decision and Its Implications for Future Civil Rights Enforcement ..... Ja 24
Fisher, Michael W.
Florida Homestead: A Difficult Postmortem Estate Tax Planning Property ..... Ja 18
Fistos, Mark S.
Per Se Violations of the Florida Deceptive and Unfair Trade Practices Act ..... My 62

G

Gaffney, Gary S.
Section 57.105's New Look: The Florida Legislature Encourages Courts to Sanction Unsupported Claims and Dilatory Actions . Ap 8
Gewirtz, Jerry M.
Federal Court Manual Questionnaires: An Invaluable Source of Information for Litigators in Federal Court ..... N 40
Guedes, Edward G.
The Proverbial "Get Out of Jail Free" Card—The Ninth Circuit's Treatment of Addiction Under *Hernandez v. Hughes Missile Systems Co.* ..... D 64

Gunn, Tracy Raffles
Attorneys' Fees on Appeal: Basic Rules and New Requirements ..... Ap 31

H

Handberg, Roger B.
The Enforcement of Investigative Subpoenas Issued by Administrative Agencies: An Analysis of Common Defenses O40
Harkness, John F., Jr.
A Pause to Say "Thanks" ..... F 10
Hawkins, Jane
Freezing Your Assets Off: A Powerful Remedy on Thin Ice ..... My 68
Hendricks, Valeria
Pop Quiz: Why Is Fundamental Error Like Pornography? ..... N 77
Herring, Judge William W.
No Postjudgment Interest on Prejudgment Interest? A Rebuttal . Jy/Ag 30
Hervic, Joelle
Water, Water Everywhere? Part I ..... D 78
Hollander, Howard J.
"Pay-when-paid" Construction Contract Requirement: Bane of the Subcontractor's Existence .. Je 101
Horowitz, Mitchell I.
Kuro and *Muben-Lamar*: In the Eye of the Beholder? ..... My 48

J

Jablow, Benjamin A.
The ABCs of Florida Corporate Income Tax ..... D 82
Jarret, Joseph G.
Zero Tolerance for Victimization of Students: The Implications of House Bill 267 on Juvenile Offenders .. My 54
Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters .. N 74
Jarvis, Robert M.
Bush v. Gore: Implications for Future Federal Court Practice ..... N 34

K

Kahn, Judge Charles J.
"But I'm a Friend of the Court" and other Predicaments: What Every Lawyer Should Know About the Florida Code of Judicial Conduct ..... Mr 10
Kahn, Michael
The Origination and Early Development of Free Speech in the United States—A Brief Overview .... O 71
Kimmel, Adele P.
The *Sandoval* Decision and Its Implications for Future Civil Rights Enforcement ..... Ja 24
Kreeger, Judge Judith L.
Financial Affidavits in Domestic Relations Cases: Sunshine Trumps Privacy — A Proposed Solution ..... Mr 45
Kuehnle, Kathryn
The Importance of Parent-Child Relationships: What Attorneys Need to Know About the Impact of Separation ..... O 67

L

Lewis, Mark F.
"Let's Make a Deal"—The Problem of Vindictive Sentencing ..... O 63
Litman, Donna
Intestacy in the Context of Estate Planning in Florida: When to Apply the Intestacy Rules and How to Avoid Them ..... O 53
Logue, Thomas
Florida Should Adopt the *Celotex* Standard for Summary Judgments ..... F 20
Lopez, Jórge A.
Prejudgment and Postjudgment Interest: What's in a Name? .. Mr 20
Lovitky, Jeffrey A.
The Privacy of Health Information: Consents and Authorizations Under HIPAA ..... My 10
Lynch, Kristen M.
Marriage, Minimum Distributions, and Mayhem: A Discussion of IRAs Under Florida's New Elective Share Statute ..... Je 96

M

Mager, Scott A.
Section 57.105's New Look: The Florida Legislature Encourages Courts to Sanction Unsupported Claims and Dilatory Actions . Ap 8
McConnaughhay, Jana E.
Workers' Compensation Settlements: The Next Generation ..... Jy/Ag 71
Moniz, Dion J.
Workers' Compensation Settlements: The Next Generation ..... Jy/Ag 71
Morman, Daniel
Application of Summary Procedure by Agreement: A Proposal to Expedite Litigation ..... F 12
With or Without Notice: Obtaining a Replevin Writ Prior to Final Judgment ..... D 44
Muniz, H. Michael
Anarchy or Anglo-American Jurisprudence? The Doctrinal Effect of Stare Decisis Upon Bankruptcy Courts in the Face of District Court Precedents ..... D 34

N

Neiser, David D.
An Overview of Current Law Impacting Jury Selection in Civil Cases . ..... Ap 42
Nussbaum, Frank
Arbitration and Attorneys' Fees: A Pandora's Box ..... O 77

P

Pappas, Gary M.
Proposal for Settlement—More Traps for the Unwary ..... D 69
Parrott, W. Michael
Notice 2002-8: IRS Overhauls Split Dollar ..... Jy/Ag 62
Pedata, Martin A.
President Bush's Military Order Establishing Military Tribunals to Try Noncitizens: Is It Beyond His Constitutional and Statutory Authority? ..... N 313
Peyton, Daniel W.
Sovereignty Lands in Florida: It's All About Navigability, Part I ..... Ja 58
Part II ..... F 46
Pratt, David
The Economic Growth and Tax Relief Reconciliation Act of 2001: Estate, Gift and Generation-skipping Transfer Tax Law Changes ..... Ja 41
Pudlow, Jan
Tod Aronovitz — President of The Florida Bar ..... Jy/Ag 10
Harry Lee Anstead, Chief Justice of the Florida Supreme Court .. O 10
75 Years of the Bar *Journal* ..... D 12
A Century of Living, 78 Years of Lawyering ..... D 16
"Excerpts" ..... D 17

R

Randolph, John W., Jr.
The Revocable Trust as Beneficiary of the Estate and the Effectiveness of "Full Waiver" Forms .....D 86
Reineke, Beth Gilmore
A Primer on Motions to Withdraw and Attorney Liens ..... Ja 30
Reis, John W.
Economic Loss Rule: The "Integral Part" Approach to the "Other Property" Exception ..... Jy/Ag 42
Measure of Damages in Property Loss Cases ..... N 32
Reiss, Jerry
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part I ..... My 57
Part II ..... Je 91
Robison, Mary A.
Florida Homestead: A Difficult Postmortem Estate Tax Planning Property ..... Ja 18
Rosenfeldt, Stuart
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part I ..... My 57
Part II ..... Je 91
Roth, Cari L.
2002 Reforms to Growth Management ..... Jy/Ag 57
Rowland, Brian M.
An Athlete's Right of Publicity. .N 45
Rubinger, Jeffrey L.
Tax Planning Strategies with Equity Derivatives ..... Ap 45
Russell, Terry
"As I See It": A Frequently Asked Question ..... Ja 8
"As I See It": Cracks and Crevices ..... My 8
"As I See It": Like a Flash of Light . ..... Je 8
"As I See It": Public Service and Public Image ..... F 8
"As I See It": The Fourth Estate ..... Mr 8
"As I See It": The Real Believers ..... Ap 6

S

Sanders, Richard J.
Unpreserved Issues in Criminal Appeals ..... Jy/Ag 51
Scaletta, Anthony J.
The Continuing Evolution of the "New" Innocent Spouse Rules as Implemented and Interpreted by the Internal Revenue Service and the Courts, Part I ..... F 41
Part II ..... Mr 53
Scheiner, Craig I.
Time is of the Es"scents": The Fourth Amendment, Canine Olfaction and Vehicle Stops ..... M 26
Sellers, Cathy M.
"Intervene" Means "Intervene": The Florida Legislature Revises Citizen Standing Under §403.412(5)..N 63
Sellers, Lawrence E., Jr.
"Intervene" Means "Intervene": The Florida Legislature Revises Citizen Standing Under §403.412(5)..N 63
Sheehy, Frances D.
The Continuing Evolution of the "New" Innocent Spouse Rules as Implemented and Interpreted by the Internal Revenue Service and the Courts, Part I ..... F 41
Part II ..... Mr 53
Silverman, Scott
Those Tasks Aren't Important—The Supreme Court Limits Application of the ADA ..... N 59
Soto, Javier Alberto
Florida Should Adopt the *Celotex* Standard for Summary Judgments ..... F 20
Spero, Donald J.
Time Limitations and Court Supervision in Class Actions Under the FLSA and the ADEA ..... Ja 47
Stolberg, William H.
Freezing Your Assets Off: A Powerful Remedy on Thin Ice ..... My 68

T

Tanner, Michael G.
RICO Claims: Th e Challenge of Alleging the "Pattern" Element .... My 34
Tell, Meah Rothman
Arbitration and Attorneys' Fees: A Pandora's Box ..... O 77
Tiernan, Peter B.
Florida Durable Powers of Attorney: Exploring the Limits of an Agent's Authority ..... Jy/Ag 34
Tiso, Christopher A.
Long-arm Jurisdiction in Support and Divorce Actions—The Unwary Beware ..... D 91
Trigoboff, Craig J.
Voir Dire Necessities: The Florida Supreme Court Clarifies When Trial Counsel's Investigation of the Venire Must Be Undertaken .O 48

V

Vega, Daniel R.
"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law ..... O 22

W

Waldman, Glenn J.
Voir Dire Necessities: The Florida Supreme Court Clarifies When Trial Counsel's Investigation of the Venire Must Be Undertaken .O 48
Walford, Joye B.
Proposal for Settlement—More Traps for the Unwary ..... D 69
Wallace, Douglas A.
The Recovery of Attorneys' Fees and Costs for the Unsuccessful Offer of a Will for Probate ..... Ja 36
Walker, Karen D.
RICO Claims: Th e Challenge of Alleging the "Pattern" Element .... My 34
Webb, Karen Feagle
Directors of the Financially Troubled Company: Guidance for a Thankless Job ..... Jy/Ag 47
Williams, Robert S.
Fiduciary Allocations of the Generation-skipping Transfer Tax Exemption ..... O 59

Y

Yen, Rhoda J.
Personal Jurisdiction and the Internet: Applying Old Principles to a "New" Medium ..... Mr 41

Z

Zayas, Angelica D.
Speedy Trial, Speedy Games .... D 26
Zisser, Carolyn S.
Grandparents Have Rights After All ..... Ja 53

THE FLORIDA BAR MEMBER BENEFITS

INSURANCE

Individual & Group Insurance	Business Planning Concepts	800/282-8626
Court and Surety Bonds	JurisCo	800/274-2663
Professional Liability Insurance	FLMIC	800/633-6458

COMMERCIAL VENDORS

Car Rental	Alamo (#93718)	800/354-2322
	Avis (#A421600)	800/331-1212
	Hertz (#152030)	800/654-2200
	National (#5650262)	800/227-7368
Computerized Legal Research	"Lexis-Nexis Advantage"	800/356-6548
Credit Card Program (Money Markets & CDs also)	MBNA	800/457-3714
Express Shipping	Airborne Express (N82-YFLA)	888/758-8955
	UPS (P350493)	800/325-7000
Eyewear & Contacts	Lens Express (FLBAR)	800/666-5367
Law Book Discounts	Lexis Law Publishing	800/562-1215
Magazine Subscriptions	Subscription Services	800/289-6247
Office Products & Supplies	Pennywise Office Products	800/942-3311
Telecommunications	MCI WorldCom(Business)	800/539-2000
	(Residential)	888/876-9869

Theme Park Clubs (Send requests to The Florida Bar) Anheuser-Busch Universal Studios Florida
Walt Disney Water Mania

Index to Vol. 76 of The Florida Bar *Journal* (2002)

Key: January, Ja; February, F; March, Mr; April, Ap; May, My; June, Je;July/August, Jy/Ag; October, O; November, N; December, D
A *Journal* search engine is available on the Bar's Web site: **www.FLABAR.org.**

Subject Index

A

Addiction
The Proverbial "Get Out of Jail Free" Card—The Ninth Circuit's Treatment of Addiction Under *Hernandez v. Hughes Missile Systems Co.*, Edward G. Guedes..D 64
Administrative Law
Agency Substantive Jurisdiction—*The More Things Change . . .*, Robert C. Downie II ..... Je 79
Conflicts Between the Sunshine Law and Trade Secret Protection in Public Procurement, Andy Bertron ..... F 36
"Intervene" Means "Intervene": The Florida Legislature Revises Citizen Standing Under F.S. §403.412(5), Lawrence E. Sellers, Jr., and Cathy M. Sellers ..... N 63
Age Discrimination in Employment Act (ADEA)
The Proverbial "Get Out of Jail Free" Card—The Ninth Circuit's Treatment of Addiction Under *Hernandez v. Hughes Missile Systems Co.*, Edward G. Guedes .D 64
Time Limitations and Court Supervision in Class Actions Under the FLSA and the ADEA, Donald J. Spero ..... Ja 47
Americans with Disabilities Act (ADA)
Those Tasks Aren't Important—The Supreme Court Limits Application of the ADA, Scott T. Silverman ..... N 59
Agency
Agency Substantive Jurisdiction—The More Things Change . . . , Robert C. Downie II ..... Je 79
The Enforcement of Investigative Subpoenas Issued by Administrative Agencies: An Analysis of Common Defenses, Roger B. Handberg ..... O 40
Annual Reports
Annual Reports: Committees of The Florida Bar ..... Je 39
Annual Reports: Sections and Divisions of The Florida Bar ..... Je 14
Antitrust
FDUTPA For Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution, David J. Federbush ..... D 52
Appeals
Attorneys' Fees on Appeal: Basic Rules and New Requirements, Tracy Raffles Gunn ..... Ap 31
Appellate Practice and Advocacy
Certifying Questions to the Florida Supreme Court: What's So Important? Raoul G. Cantero III .. My 40
Five Easy Pieces: Advice for Getting Your Case to the Appellate Court (and Back Again) Intact, Charles Tyler Cone ..... Je 88
Unpreserved Issues in Criminal Appeals, Richard J. Sanders .. Jy/Ag 51
Arbitration
Arbitration and Attorneys' Fees: A Pandora's Box, Frank Nussbaum and Meah Rothman Tell ..... O 77
Aronovitz, Tod
Tod Aronovitz — President of The Florida Bar, Jan Pudlow . Jy/Ag 10
Assets
Freezing Your Assets Off: A Powerful Remedy on Thin Ice, William H. Stolberg and Jane Hawkins ..... My 68
Attorneys' Fees
Attorneys' Fees on Appeal: Basic Rules and New Requirements, Tracy Raffles Gunn ..... Ap 31
Section 57.105's New Look: The Florida Legislature Encourages Courts to Sanction Unsupported Claims and Dilatory Actions, Gary S. Gaffney and Scott A. Mager ..... Ap 8
Arbitration and Attorneys' Fees: A Pandora's Box, Frank Nussbaum and Meah Rothman Tell ..... O 77
Proposals for Settlement: More Traps for the Unwary, Gary M. Pappas and Joye B. Walford ..... D 69
The Recovery of Attorneys' Fees and Costs for the Unsuccessful Offer of a Will for Probate, Douglas A. Wallace ..... Ja 36
Authority
President Bush's Military Order Establishing Military Tribunals to Try Noncitizens: Is It Beyond His Constitutional and Statutory Authority?, Martin A. Pedata ... N 30

B

Bankruptcy
Anarchy or Anglo-American Jurisprudence? The Doctrinal Effect of Stare Decisis Upon Bankruptcy Courts in the Face of District Court Precedents, H. Michael Muniz .D 34
Battery
Legal Developments Impacting Repeat Battery Offenders: *Warren* and the 2001 Amendment to Felony Battery, Michael J. Bauer ..... Ap 37
Bonds
"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law, Daniel R. Vega ..... O 22
Business Law
Directors of the Financially Troubled Company: Guidance for a Thankless Job, Gardner Davis and Karen Feagle Webb ..... Jy/Ag 47
The ABCs of Florida Corporate Income Tax, Benjamin A. Jablow. D 82

C

Canine Olfaction
Time is of the Es"scents": The Fourth Amendment, Canine Olfaction and Vehicle Stops, Craig I. Scheiner ..... Mr 26
Capital Cases
Discovery of Public Records in Capital Cases, Judge O.H. Eaton, Jr. ..... Ap 24
Certification
Certifying Questions to the Florida Supreme Court: What's So Important? Raoul G. Cantero III .. My 40
Child Visitation
The Importance of Parent-Child Relationships: What Attorneys Need to Know About the Impact of Separation, Kathryn Kuehnle and Tracy Ellis ..... O 67
City, County and Local Government Law
Should the Narrowing Scope of Second-tier Certiorari Mandate Findings of Fact in Local Government Quasi-judicial Decisions? Craig Coller ..... Jy/Ag 67
Civil Procedure
Time Waits for No One: The Death of a Litigant, Raymond T. (Tom) Elligett, Jr., and Amy S. Farrior ..... N 55
Civil Rights
The *Sandoval* Decision and Its Implications for Future Civil Rights Enforcement, Adele P. Kimmel, Rebecca Epstein, and James L. Ferraro ..... Ja 24
Class Actions
Time Limitations and Court Supervision in Class Actions Under the FLSA and the ADEA, Donald J. Spero ..... Ja 47
Offers of Judgment and Tenders of Relief Before Class Certification,

John C. Davis ..... N 10
Code of Judicial Conduct
"But I'm a Friend of the Court" and other Predicaments: What Every Lawyer Should Know About the Florida Code of Judicial Conduct, Judge Charles J. Kahn ..... Mr 10
Commercial Contracts
The International Contract: Knowing When, Why, and How to "Opt Out" of the United Nations Convention on Contracts for the International Sale of Goods, Allison E. Butler ... . My 24
Committees, Florida Bar
Annual Reports: Committees of The Florida Bar ..... Je 39
Conduct
Supervising Your Lawyers and Staff: Avoiding Serious Ramifications, Debra Moss Curtis ..... D 74
Construction Contracts
"Pay-when-paid" Construction Contract Requirement: Bane of the Subcontractor's Existence, Howard J. Hollander ..... Je 101
"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law, Daniel R. Vega ..... O 22
Constitutional Law
President Bush's Military Order Establishing Military Tribunals to Try Noncitizens: Is It Beyond His Constitutional and Statutory Authority?, Martin A. Pedata . . N 30
Consumer Protection Law
Per Se Violations of the Florida Deceptive and Unfair Trade Practices Act, Mark S. Fistos ..... My 62
FDUTPA For Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution, David J. Federbush ..... D 52
Criminal Appeals
Unpreserved Issues in Criminal Appeals, Richard J. Sanders .. Jy/Ag 51
Criminal Law
Legal Developments Impacting Repeat Battery Offenders: *Warren* and the 2001 Amendment to Felony Battery, Michael J. Bauer .... Ap 37
"Let's Make a Deal": The Problem of Vindictive Sentencing, Mark F. Lewis ..... O 63
Speedy Trial, Speedy Games, Angelica D. Zayas ..... D 26
Zero Tolerance for Victimization of Students: The Implications of House Bill 267 on Juvenile Offenders, Joseph G. Jarret ..... My 54
Courts
Offers of Judgment and Tenders of Relief Before Class Certification, John C. Davis ..... N 10
Bush v. Gore: Implications for Future Federal Court Practice, Robert M. Jarvis ..... N 36
Custody
Grandparents Have Rights After All, Carolyn S. Zisser ..... Ja 53

D

Damages
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part I, Jerry Reiss and Stuart Rosenfeldt ..... My 57
Part II ..... Je 91
Measure of Damages in Property Loss Cases, John W. Reis ..... O 32
Death
Time Waits for No One: The Death of a Litigant, Raymond T. (Tom) Elligett, Jr., and Amy S. Farrior ..... N 55
Dignity in Law
Dignity in Law, Tod Aronovitz .. Jy/Ag 6
Directed Verdict
Florida Should Adopt the *Celotex* Standard for Summary Judgments, Thomas Logue and Javier Albert Soto ..... F 20
Discovery
Discovery of Public Records in Capital Cases, Judge O.H. Eaton, Jr. .. .. Ap 24
Electronic Data and Discovery: Nightmare or Opportunity?, Stephen M. Cohen ..... F 30
Discretion
"Let's Make a Deal": The Problem of Vindictive Sentencing, Mark F. Lewis ..... O 63
Discrimination
The *Sandoval* Decision and Its Implications for Future Civil Rights Enforcement, Adele P. Kimmel, Rebecca Epstein, and James L. Ferraro ..... Ja 24
Divisions, Florida Bar
Annual Reports: Sections and Divisions of The Florida Bar ..... Je 14
Divorce
Long-arm Jurisdiction in Support and Divorce Actions—The Unwary Beware, Christopher A. Tiso ..... D 91
Documentary Stamp Tax
Kuro and *Muben-Lamar*: In the Eye of the Beholder?, Bernard A. Barton, David P. Burke, and Mitchell I. Horowitz ..... My 48
Domestic Relations
Financial Affidavits in Domestic Relations Cases: Sunshine Trumps Privacy — A Proposed Solution, Judge Judith L. Kreeger ..... Mr 45
Domestic Violence
Assessing the Veracity of Domestic Violence Allegations in Parenting Disputes, Sherrie Bourg Carter ..... N 70

E

Economic Loss Rule
Economic Loss Rule: The "Integral Part" Approach to the "Other Property" Exception, John W. Reis .... Jy/Ag 42
Elective Share Statute
Marriage, Minimum Distributions, and Mayhem: A Discussion of IRAs Under Florida's New Elective Share Statute, Kristen M. Lynch ... Je 96
Electronic Data
Electronic Data and Discovery: Nightmare or Opportunity?, Stephen M. Cohen ..... F 30
Environmental and Land Use Law
2002 Reforms to Growth Management, Cari L. Roth and Laura J. Feagin ..... Jy/Ag 5
Environmental Regulation in Florida's Coastal Zone: You Ain't Seen Nothin' Yet, Stephen J. Darmody ..... Je 83
"Intervene" Means "Intervene": The Florida Legislature Revises Citizen Standing Under F.S. §403.412(5), Lawrence E. Sellers, Jr., and Cathy M. Sellers ..... N 63
Overfiling: Can the EPA Pursue a Case Where the State Has Taken Enforcement Action? What Courts Have Done Since *Harmon*, Angela Dempsey ..... Mr 36
Sovereignty Lands in Florida: It's All About Navigability, Part I, Daniel W. Peyton ..... Ja 58
Part II ..... F 46
Water, Water Everywhere? Part I, Joelle Hervic ..... D 78
Environmental Protection Agency (EPA)
Overfiling: Can the EPA Pursue a Case Where the State Has Taken Enforcement Action? What Courts Have Done Since *Harmon*, Angela Dempsey ..... Mr 36
Equity Derivatives
Tax Planning Strategies with Equity Derivatives, Jeffrey L. Rubinger ..... Ap 45
Estate, Gift and Generation-skipping Transfer Tax
Florida Homestead: A Difficult Postmortem Estate Tax Planning Property, Mary A. Robison and Michael W. Fisher ..... Ja 18
The Economic Growth and Tax Relief Reconciliation Act of 2001: Estate, Gift and Generation-skipping Transfer Tax Law Changes, David Pratt and Elaine M. Bucher ..... Ja 41
Estate Planning
Florida Durable Powers of Attorney: Exploring the Limits of an Agent's Authority, Peter B. Tiernan ..... Jy/Ag 34
Intestacy in the Context of Estate Planning in Florida: When to Apply the Intestacy Rules and How to Avoid Them, Donna Litman ..... O 53
Ethics
Supervising Your Lawyers and Staff: Avoiding Serious Ramifications, Debra Moss Curtis ..... D 74
Executive Directions
A Pause to Say "Thanks," John F. Harkness, Jr. ..... F 10
Exemptions
Fiduciary Allocations of the Generation-skipping Transfer Tax Exemption, Robert S. Williams ..... O 59

F

Fair Labor Standard Act (FLSA)
Time Limitations and Court Supervision in Class Actions Under the FLSA and the ADEA, Donald J. Spero ..... Ja 47
Family Law
Assessing the Veracity of Domestic

Violence Allegations in Parenting Disputes, Sherrie Bourg Carter ..... N 70
Grandparents Have Rights After All, Carolyn S. Zisser ..... Ja 53
Long-arm Jurisdiction in Support and Divorce Actions—The Unwary Beware, Christopher A. Tiso ..... D 91
The Importance of Parent-Child Relationships: What Attorneys Need to Know About the Impact of Separation, Kathryn Kuehnle and Tracy Ellis ..... O 67
Federal Court Practice
Bush v. Gore: Implications for Future Federal Court Practice, Robert M. Jarvis ..... N 36
Federal Court Manual Questionnaires: An Invaluable Source of Information for Litigators in Federal Court, Jerry M. Gewirtz ..... N 42
Fiduciary Duties
Directors of the Financially Troubled Company: Guidance for a Thankless Job, Gardner Davis and Karen Feagle Webb ..... Jy/Ag 47
Final Judgment
With or Without Notice: Obtaining a Replevin Writ Prior to Final Judgment, Patrick C. Barthet and Daniel Morman ..... D 44
Financial Affidavits
Financial Affidavits in Domestic Relations Cases: Sunshine Trumps Privacy — A Proposed Solution, Judge Judith L. Kreeger .... Mr 45
Financial Injunctions
Freezing Your Assets Off: A Powerful Remedy on Thin Ice, William H. Stolberg and Jane Hawkins ..... My 68
Florida Bar, The
Annual Reports: Committees of The Florida Bar ..... Je 39
Annual Reports: Sections and Divisions of The Florida Bar ..... Je 14
"As I See It": A Frequently Asked Question, Terry Russell ..... Ja 8
"As I See It": Like a Flash of Light, Terry Russell ..... Je 8
"As I See It": The Real Believers, Terry Russell ..... Ap 6
Dignity in Law, Tod Aronovitz .. Jy/Ag 6
A Tribute to Judges, Tod Aronovitz ..... O 6
Message to Young Lawyers, Tod Aronovitz ..... N 6
Florida Bar *Journal*, The
Let's Celebrate, Tod Aronovitz ... D 8
A Clearinghouse for Worthwhile Professional Discussion, Cheryle M. Dodd ..... D 10
75 Years of the Bar *Journal*, Jan Pudlow ..... D 12
A Century of Living, 78 Years of Lawyering, Jan Pudlow ..... D 16
"Excerpts" ..... D 17
Florida Deceptive and Unfair Trade Practices Act (FDUTPA)
FDUTPA For Civil Antitrust: Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution, David J. Federbush ..... D 52
Per Se Violations of the Florida Deceptive and Unfair Trade Practices

ON THE WEB

Change your address on the Bar's Web site.

• Select "Member Services."

• Select "Membership Records Change of Address Form."

Then follow the instructions to submit your change electronically to the Membership Records Department.

www.FLABAR.org

Act, Mark S. Fistos ..... My 62
Franchise
Scattered, Smothered, and Covered Under Water Regulation: Have the Courts (Finally) Unscrambled Franchise Rights of IOUs and Local Governments?, Cleveland Ferguson III ..... N 22
Free Speech
The Origination and Early Development of Free Speech in the United States: A Brief Overview, Michael Kahn ..... O 71

G

General Practice
Arbitration and Attorneys' Fees: A Pandora's Box, Frank Nussbaum and Meah Rothman Tell ..... O 77
Generation-skipping Transfers
Fiduciary Allocations of the Generation-skipping Transfer Tax Exemption, Robert S. Williams ..... O 59
Grandparent Rights
Grandparents Have Rights After All, Carolyn S. Zisser ..... Ja 53
Growth Management
2002 Reforms to Growth Management, Cari L. Roth and Laura J. Feagin ..... Jy/Ag 5
Water, Water Everywhere? Part I, Joelle Hervic ..... D 78

H

Health Information
The Privacy of Health Information: Consents and Authorizations Under HIPAA, Jeffrey A. Lovitky ..... My 10
Helmet Laws
The Emergence of the Helmet Defense in Florida, Don A. Dennis ..... My 18
Homestead
Florida Homestead: A Difficult Postmortem Estate Tax Planning Property, Mary A. Robison and Michael W. Fisher ..... Ja 18
Florida Homstead Transfers: The Advantages of Short-term Qualified Personal Residence Trusts, Steven M. Chamberlain ..... N 51

I

Income
The ABCs of Florida Corporate Income Tax, Benjamin A. Jablow ..... D 82
Innocent Spouse Rules
The Continuing Evolution of the "New" Innocent Spouse Rules as Implemented and Interpreted by the Internal Revenue Service and the Courts, Part I, Frances D. Sheehy and Anthony J. Scaletta ..... F 41
Part II ..... Mr 53
International Sale of Goods
The International Contract: Knowing When, Why, and How to "Opt Out" of the United Nations Convention on Contracts for the International Sale of Goods, Allison E. Butler ..... My 24
Internet
Personal Jurisdiction and the Internet: Applying Old Principles to a "New" Medium, Rhoda J. Yen ..... Mr 41
Intestacy
Intestacy in the Context of Estate Planning in Florida: When to Apply the Intestacy Rules and How to Avoid them, Donna Litman ..... O 53
Investigations
The Enforcement of Investigative Subpoenas Issued by Administrative Agencies: An Analysis of Common Defenses, Rober B. Handberg ..... O 40
IRA
Marriage, Minimum Distributions, and Mayhem: A Discussion of IRAs Under Florida's New Elective Share Statute, Kristen M. Lynch ... Je 96

J

Judges/Judiciary
A Tribute to Judges, Tod Aronovitz ..... O 2
"But I'm a Friend of the Court" and other Predicaments: What Every Lawyer Should Know About the Florida Code of Judicial Conduct, Judge Charles J. Kahn ..... Mr 10
Harry Lee Anstead, Chief Justice of the Florida Supreme Court, Jan Pudlow ..... O 10
Federal Court Manual Questionnaires: AnInvaluable Source of Information for Litigators in Federal Court, Jerry M. Gewirtz ..... N 42
Judicial Interpretation
Logic and the Law: When Their Paths Diverge, A. Graham Allen ..Jy/Ag 20
Jurisdiction
Bush v. Gore: Implications for Future Federal Court Practice, Robert M. Jarvis ..... N 36
Long-arm Jurisdiction in Support and Divorce Actions—The Unwary Beware, Christopher A. Tiso ..... D 91
Jurisprudence
Anarchy or Anglo-American Jurisprudence? The Doctrinal Effect of Stare Decisis Upon Bankruptcy Courts in the Face of District Court Precedents, H. Michael Muniz.D 34
The Origination and Early Development of Free Speech in the United States: A Brief Overview, Michael Kahn ..... O 71
Jury Selection
An Overview of Current Law Impacting Jury Selection in Civil Cases, David D. Neiser ..... Ap 42
Voir Dire Necessities: The Florida Supreme Court Clarifies When Trial Counsel's Investigation of Venire Must Be Undertaken, Glenn J. Waldman and Craig J. Trigoboff ..... O 48

L

Labor and Employment Law
The Proverbial "Get Out of Jail Free" Card—The Ninth Circuit's Treatment of Addiction Under Hernandez, Hughes Missile Systems Co., Edward G. Guedes..D 64
Those Tasks Aren't Important—The Supreme Court Limits Application of the ADA, Scott T. Silverman ..... N 59
Time Limitations and Court Supervision in Class Actions Under the FLSA and the ADEA, Donald J. Spero ..... Ja 47
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part I, Jerry Reiss and Stuart Rosenfeldt ..... My 57
Part II ..... Je 91
Legal Practice
Supervising Your Lawyers and Staff: Avoiding Serious Ramifications, Debra Moss Curtis ..... D 74
Legislature
A Pause to Say "Thanks," John F. Harkness, Jr. ..... F 10
Liability
Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters, Joseph G. Jarret ..... N 74
Liens
A Primer on Motions to Withdraw and Attorney Liens, Beth Gilmore Reineke ..... Ja 30
"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law, Daniel R. Vega ..... O 22
Local Government
Scattered, Smothered, and Covered Under Water Regulation: Have the Courts (Finally) Unscrambled Franchise Rights of IOUs and Local Governments?, Cleveland Ferguson III ..... N 22
Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters, Joseph G. Jarret ..... N 74

M

Maritime Law
Environmental Regulation in Florida's Coastal Zone: You Ain't Seen Nothin' Yet, Stephen J. Darmody ..... Je 83
Media
"As I See It": The Fourth Estate, Terry Russell ..... Mr 8
Military Tribunals
President Bush's Military Order Establishing Military Tribunals to Try Noncitizens: Is It Beyond His Constitutional and Statutory Authority?, Martin A. Pedata . . N 30
Motions to Withdraw
A Primer on Motions to Withdraw and Attorney Liens, Beth Gilmore Reineke ..... Ja 30
Motorcycle Laws
The Emergence of the Helmet Defense in Florida, Don A. Dennis .. .. My 18

O

Offers of Judgment
Offers of Judgment and Tenders of Relief Before Class Certification, John C. Davis ..... N 10

P

Parent-Child
The Importance of Parent-Child Relationships: What Attorneys Need to Know About the Impact of Separation, Kathryn Kuehnle and Tracy Ellis ..... O 67
Assessing the Veracity of Domestic Violence Allegations in Parenting Disputes, Sherrie Bourg Carter ..... N 70
Peremptory Challenges
An Overview of Current Law Impacting Jury Selection in Civil Cases, David D. Neiser ..... Ap 42
Personal Injury
Skating on Thin Concrete: The Florida Legislature's Response to Skateboarders and Skaters, Joseph G. Jarret ..... N 74
Personal Jurisdiction
Personal Jurisdiction and the Internet: Applying Old Principles to a "New" Medium, Rhoda J. Yen ..... Mr 41
Powers of Attorney, Florida Durable
Florida Durable Powers of Attorney: Exploring the Limits of an Agent's Authority, Peter B. Tiernan ..... Jy/Ag 34
Prejudgment and Postjudgment Interest
No Postjudgment Interest on Prejudgment Interest? A Rebuttal, Judge William W. Herring ..... Jy/Ag 30
Prejudgment and Postjudgment Interest: What's in a Name?, Jórge A. Lopez ..... Mr 20
Preservation
Unpreserved Issues in Criminal Appeals, Richard J. Sanders .. Jy/Ag 51
President, The Florida Bar
Tod Aronovitz — President of The Florida Bar, Jan Pudlow . Jy/Ag 10
President's Page
"As I See It": A Frequently Asked Question, Terry Russell ..... Ja 8
"As I See It": Cracks and Crevices, Terry Russell ..... My 8
"As I See It": Like a Flash of Light, Terry Russell ..... Je 8
"As I See It": Public Service and Public Image, Terry Russell ..... F 8
"As I See It": The Fourth Estate, Terry Russell ..... Mr 8
Dignity in Law, Tod Aronovitz .. Jy/Ag 6
Perception vs. Reality, Tod Aronovitz ..... S 6
A Tribute to Judges,Tod Aronovitz ..... O 2
Message to Young Lawyers, Tod Aronovitz ..... N 6
Let's Celebrate ..... D 8
Privacy
The Privacy of Health Information: Consents and Authorizations Under HIPAA, Jeffrey A. Lovitky ..... My 10
Pro Bono
"As I See It": Public Service and Public Image, Terry Russell ..... F 8
Property Loss
Measure of Damages in Property Loss Cases, John W. Reis ..... O 32
Public Image
"As I See It": Public Service and Public Image, Terry Russell ..... F 8
"As I See It": The Fourth Estate, Terry Russell ..... Mr 8
Public Interest
The Origination and Early Development of Free Speech in the United States: A Brief Overview, Michael Kahn ..... O 71

Q

Questionnaire
Federal Court Manual Questionnaires: AnInvaluable Source of Information for Litigators in Federal Court, Jerry M. Gewirtz ..... N 42

R

Racketeering
RICO Claims: The Challenge of Alleging the "Pattern" Element, Karen D. Walker and Michael G. Tanner ..... My 34
Real Property, Probate and Trust Law
Florida Homstead Transfers: The Advantages of Short-term Qualified Personal Residence Trusts, Steven M. Chamberlain ..... N 51
Intestacy in the Context of Estate Planning in Florida: When to Apply the Intestacy Rules and How to Avoid them, Donna Litman ..... O 53
"Pay-when-paid" Construction Contract Requirement: Bane of the Subcontractor's Existence, Howard J. Hollander ..... Je 101
The Revocable Trust as Beneficiary of the Estate and the Effectiveness of "Full Waiver" Forms, John W. Randolph, Jr. ..... D 86
The Recovery of Attorneys' Fees and Costs for the Unsuccessful Offer of a Will for Probate, Douglas A. Wallace ..... Ja 36
Measure of Damages in Property Loss Cases, John W. Reis ..... O 32
Replevin
With or Without Notice: Obtaining a Replevin Writ Prior to Final Judgment, Patrick C. Barthet and Daniel Morman ..... D 44
RICO Claims
RICO Claims: Th e Challenge of Alleging the "Pattern" Element, Karen D. Walker and Michael G. Tanner ..... My 34
Rights
An Athlete's Right of Publicity, Brian M. Rowland ..... N 45

S

Search and Seizure
Time is of the Es"scents": The Fourth Amendment, Canine Olfaction and Vehicle Stops, Craig I. Scheiner ..... Mr 26
Second-tier Certiorari
Should the Narrowing Scope of Second-tier Certiorari Mandate Findings of Fact in Local Government Quasi-judicial Decisions? Craig Coller ..... Jy/Ag 67
Sections/Divisions, Florida Bar
Annual Reports: Sections and Divisions of The Florida Bar ..... Je 14
Sentencing
"Let's Make a Deal": The Problem of Vindictive Sentencing Mark F. Lewis ..... O 63
Settlements
Workers' Compensation Settlements: The Next Generation, Jana E. McConnaughhay and Dion J. Moniz ..... Jy/Ag 71
Proposals for Settlement: More Traps for the Unwary, Gary M. Pappas and Joye B. Walford ..... D 69
Sovereignty Lands
Sovereignty Lands in Florida: It's All About Navigability, Part I, Daniel W. Peyton ..... Ja 58
Part II ..... F 46
Speedy Trial Rule
Speedy Trial, Speedy Games, Angelica D. Zayas ..... D 26
Split Dollar Life Insurance Plans
Notice 2002-8: IRS Overhauls Split Dollar, W. Michael Parrott ..... Jy/Ag 62
Spoliation
Case of the Year: *Strasser v. Yalamanchi*, Michael Cavendish ..... Ja 10
Sports Law
An Athlete's Right of Publicity, Brian M. Rowland ..... N 45
Spotlight
Associations Linked by Technology ..... Jy/Ag 80
Clearwater Bar Association Conducts the People's Law School ..... F 52
Jacksonville Bar Association Attorneys Assist Homeless on Journey to Self Reliance ..... N 84
Palm Beach County Trial Lawyers Reel in Outdoor Fun for Underprivileged Children ..... Ap 52
Sarasota-FAWL Provides a Safe Haven for Children ..... D 96
The Michelle Project: YLS of Palm Beach County Bar Association Donates New Computers to Children in Foster Care ..... Ja 65
Young Diplomats: Breaking Down Walls of Difference and Intolerance ..... My 71
Stare Decisis
Anarchy or Anglo-American Jurisprudence? The Doctrinal Effect of Stare Decisis Upon Bankruptcy Courts in the Face of District Court Precedents, H. Michael Muniz.D 34
Subpoenas
The Enforcement of Investigative Subpoenas Issued by Administrative Agencies: An Analysis of Common Defenses, Roger B. Handberg ..... O 40
Substantive Jurisdiction
Agency Substantive Jurisdiction—*The More Things Change . . .*, Robert C. Downie II ..... Je 79

Statement of Ownership, Management and Circulation (Required by 39 U.S.C. 3685)

1. Title of Publication: The Florida Bar *Journal*.
2. Publication Number: 00153915.
3. Date of Filing: September 30, 2002.
4. Frequency of Issue: Monthly except July/August combined issue.
5. Number of issues published annually: 11.
6. Annual subscription price: $50.
7. Complete mailing address of known office of publication: 650 Apalachee Parkway, Tallahassee, FL 32399-2300. Contact person: Georeen Busch. Telephone: 850/561-5688.
8. Complete mailing address of the headquarters or general business offices of the publisher: 650 Apalachee Parkway, Tallahassee, FL 32399-2300.
9. Publisher: John F. Harkness, Jr., 650 Apalachee Parkway, Tallahassee, FL 32399-2300; Editor: Cheryle M. Dodd, 650 Apalachee Parkway, Tallahassee, FL 32399-2300.
10. Owner: The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300.
11. Known bondholders, mortgagees, and other security holders owning or holding one percent or more of total amount of bonds, mortgages or other securities: none.
12. The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes have not changed during preceding 12 months.
13. Publication title: The Florida Bar *Journal*.
14. Issue date for circulation data: May 2002.
15. Extent and nature of circulation:

A. Total number of copies (net press run): average number copies each issue during preceding 12 months—63,420; actual number copies of single issue published nearest to filing date—63,628.

B. Paid and/or requested circulation: 0. Sales through dealers and carriers, street vendors and counter sales: average number copies each issue during preceding 12 months—0; actual number copies single issue published nearest to filing date—0. Paid or requested mail subscriptions: average number copies each issue during preceding 12 months—61,495; actual number copies single issue published nearest to filing date—61,682.

C. Total paid and/or requested circulation (sum of 15B1 and 15B2): average number copies each issue during preceding 12 months—61,495; actual number copies single issue published nearest to filing date—61,682.

D. Free distribution by mail: average number copies each issue during preceding 12 months—724; actual number copies single issue nearest to filing date—634.

E. Free distribution outside the mail: average number copies each issue during preceding 12 months—0; actual number copies single issue published nearest to filing date—0.

F. Total free distribution (sum of 15D and15E): average number copies each issue during preceding 12 months—724; actual member copies of single issue published nearest to filing date—634.

G. Total distribution (sum of 15C and 15F): average number copies each issue during preceding 12 months—62,219; actual number copies of single issue published nearest to filing date—62,316.

H. Copies not distributed: 1. Office use, left over, spoiled: average number copies each issue during preceding 12 months— 578; actual number copies single issue published nearest to filing date—690. Returns from news agents—0.

I. Total (sum of 15G, 15H(1) and 15H(2)): average number copies each issue during preceding 12 months—62,797; actual number copies single issue published nearest to filing date—63,006.

Percent paid and/or requested circulation (15C/15G x 100): average number of copies each issue during preceding 12 months—99.4; actual number of copies of single issue published nearest to filing date—99.7.

16. Publication of statement of ownership will be printed in the 11th (December) issue of this publication.
17. I certify that all information furnished on this form is true and complete.

CHERYLE M. DODD, *Editor*

Summary Judgment
Florida Should Adopt the *Celotex* Standard for Summary Judgments, Thomas Logue and Javier Alberto Soto ..... F 20
Summary Procedure
Application of Summary Procedure by Agreement: A Proposal to Expedite Litigation, Daniel Morman ..... F 12
Sunshine Law
Conflicts Between the Sunshine Law and Trade Secret Protection in Public Procurement, Andy Bertron ..... F 36
"As I See It": Cracks and Crevices, Terry Russell ..... My 8

T

Tax Law
Florida Homstead Transfers: The Advantages of Short-term Qualified Personal Residence Trusts, Steven M. Chamberlain ..... N 51
Fiduciary Allocations of the Generation-skipping Transfer Tax Exemption, Robert S. Williams ..... O 59
Kuro and *Muben-Lamar*: In the Eye of the Beholder? Bernard A. Barton, David P. Burke, and Mitchell I. Horowitz ..... My 48
Marriage, Minimum Distributions, and Mayhem: A Discussion of IRAs Under Florida's New Elective Share Statute, Kristen M. Lynch ... Je 96
Notice 2002-8: IRS Overhauls Split Dollar, W. Michael Parrott ..... Jy/Ag 62
Tax Planning Strategies with Equity Derivatives, Jeffrey L. Rubinger ..... Ap 45
The ABCs of Florida Corporate Income Tax, Benjamin A. Jablow ..... D 82
The Continuing Evolution of the "New" Innocent Spouse Rules as Implemented and Interpreted by the Internal Revenue Service and the Courts, Part I, Frances D. Sheehy and Anthony J. Scaletta ..... F 41
Part II ..... Mr 53
The Economic Growth and Tax Relief Reconciliation Act of 2001: Estate, Gift and Generation-skipping Transfer Tax Law Changes, David Pratt and Elaine M. Bucher ..... Ja 41
Torts
An Athlete's Right of Publicity, Brian M. Rowland ..... N 45
Case of the Year: *Strasser v. Yalamanchi*, Michael Cavendish ..... Ja 10
No Postjudgment Interest on Prejudgment Interest? A Rebuttal, Judge William W. Herring ..... Jy/Ag 30
Prejudgment and Postjudgment Interest: What's in a Name?, Jórge A. Lopez ..... Mr 20
Trade Secrets
Conflicts Between the Sunshine Law and Trade Secret Protection in Public Procurement, Andy Bertron ..... F 36
Trials
An Overview of Current Law Impacting Jury Selection in Civil Cases,

David D. Neiser ..... Ap 42
Economic Loss Rule: The "Integral Part" Approach to the "Other Property" Exception, John W. Reis .... Jy/Ag 42
Proposals for Settlement: More Traps for the Unwary, Gary M. Pappas and Joye B. Walford ..... D 69
Speedy Trial, Speedy Games, Angelica D. Zayas ..... D 26
Time Waits for No One: The Death of a Litigant, Raymond T. (Tom) Elligett, Jr., and Amy S. Farrior ..... N 55
Voir Dire Necessities: The Florida Supreme Court Clarifies When Trial Counsel's Investigation of Venire Must Be Undertaken, Glenn J. Waldman and Craig J. Trigoboff ..... O 48

U

Unsupported Claims
Section 57.105's New Look: The Florida Legislature Encourages Courts to Sanction Unsupported Claims and Dilatory Actions, Gary S. Gaffney and Scott A. Mager ..... Ap 8

V

Valuation
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part I, Jerry Reiss and Stuart Rosenfeldt ..... My 57
Valuing Economic Damages in Employment Litigation from a Plaintiff's Perspective, Part II, Jerry Reiss and Stuart Rosenfeldt ..... Je 91
Victimization of Students
Zero Tolerance for Victimization of Students: The Implications of House Bill 267 on Juvenile Offenders, Joseph G. Jarret ..... My 54
Voir Dire
Voir Dire Necessities: The Florida Supreme Court Clarifies When Trial Counsel's Investigation of Venire Must Be Undertaken, Glenn J. Waldman and Craig J. Trigoboff ..... O 48
Voluntary Bar Associations
"As I See It": The Real Believers, Terry Russell ..... Ap 6
Associations Linked by Technology ..... Jy/Ag 80

W

Water Regulation
Scattered, Smothered, and Covered Under Water Regulation: Have the Courts (Finally) Unscrambled Franchise Rights of IOUs and Local Governments?, Cleveland Ferguson III ..... N 22
Water, Water Everywhere? Part I, Joelle Hervic ..... D 78
Wills
The Recovery of Attorneys' Fees and Costs for the Unsuccessful Offer of a Will for Probate, Douglas A. Wallace ..... Ja 36
Writs
With or Without Notice: Obtaining a Replevin Writ Prior to Final Judgment, Patrick C. Barthet and Daniel Morman ..... D 44
Workers' Compensation
Workers' Compensation Settlements: The Next Generation, Jana E. McConnaughhay and Dion J. Moniz ..... Jy/Ag 71

Y

Young Lawyers
Message to Young Lawyers, Tod Aronovitz ..... N 6

ON THE WEB

Do you need a geographic listing of Florida Bar members?

Click on **"Organization,"** then **"Attorney Search."**

Choose **"by Location"** Select the **state**, then the **city** to narrow your search. Up pops all Bar members at that location.

Select a **name** and you will be provided the Bar's data for that attorney.

www.FLABAR.org